

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD CARRINGTON WILLIAMS)	
)	
)	
v.)	CV 1-499
PHILLIP L. JOHNSTON		

MEMORANDUM ORDER

This civil action number relates to Mr. William’s petition for habeas corpus pursuant to 28 U.S.C. § 2254, filed on March 15, 2001, and denied by Order dated April 25, 2001. On November 30, 2017, Defendant filed a pro se Motion pursuant to Rule 60(b)(6). The caption of that Motion names as defendants Barry Smith, identified as the Superintendent of SCI-Houtzdale, and the Allegheny County District Attorney. Such a Motion must be made within “a reasonable time.”

Defendant purports to bring his Motion pursuant to a change in the law, which he contends would render his Motion timely. His Motion asserts entitlement to relief based on “a multitude of Misconducts; Ineffective assistance of counsel; false identification; Violation of Petitioners right to a constitutionally fair trial, Etc.” This multitude includes: witness testimony at trial that was “questionable”; denial of an opportunity to present an alibi to the jury, and ineffective trial, appellate, and post-conviction counsel vis-à-vis the alibi; and the trial court’s failure to make credibility and factual findings. I have carefully reviewed the entirety of Defendant’s submissions, under liberal standard applicable to pro se litigants. Even assuming that Defendant could proceed against the Defendants named in his Motion, he has stated no

grounds that would warrant consideration of his Motion sixteen-and-a half years after the pertinent judgment. Under the circumstances, the Motion was not filed within a reasonable time, and will be denied.

AND NOW, this 16th day of February, 2018, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in cursive script, reading "Donetta W. Ambrose". The signature is written in dark ink and is positioned above a horizontal line.

Donetta W. Ambrose

Senior Judge, U.S. District Court